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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,557	05/31/2000	Mark Skrzynski	00 P 7658 US	5827

7590 08/18/2003  
Siemens Corporation  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

EXAMINER

LEVITAN, DMITRY

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/586,557

Applicant(s)

SKRZYNSKI ET AL.

Examiner

Dmitry Levitan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8,11,13-18 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 3,7,9,10 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Drawings***

1. The drawings in this application appear to be informal. If this is the case, when application is allowed, applicant will be required to submit new formal drawings.
2. The drawings (Fig. 3) are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: object control instructions 47 on page 6. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 66 on Fig. 4. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

4. The disclosure is objected to because of the following informalities:
  - a. Empty spaces, assigned for incorporated application, on page 1 and 8.
  - b. Abbreviations or acronyms SIP are cited throughout the specification without explanation. Applicant should provide a full explanation for the acronyms at least at their first occurrence in the specification.
  - c. Typographical error on page 5 line 26, text should read "gatekeeper 20".  
Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "multiple instances" in claim 15 is a relative term which renders the claim indefinite.

The term "multiple instances" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 4-6, 8, 11, 13, 14, 16-18, 20-22, are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis (US 5,768,501).

Regarding claim 1, Lewis teaches a system (id Fig. 3 and 7:28-55), comprising a hierarchical arrangement (id 3:61-67) of two or more nodes (network management systems 11A-C and 30 on id Fig. 3 and 7:56-67) each having a fault analyzer object (inference handler id 5:18-

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50) programmed to respond to status information (id 5:39-50) relating to an associated system of one or more objects (domains A, B, C or network 10 id 7:56-67 and 8:1-2) based upon a respective set of policies (database of relationships among entities id 4:60-62) designed to improve object availability.

Regarding claim 2, Lewis teaches a system, wherein a first fault analyzer object (inference handler of domain A, id Fig. 3) is configured to report object status information to a second fault analyzer object (inference handler of multi-domain manager 30, id Fig. 3 and 7:56-63)

Regarding claims 4 and 5, Lewis teaches a system, wherein a fault analyzer object (inference handler of domain A, id Fig. 3) is assigned responsibility for one or more component objects including software applications (id 4:48-53).

Regarding claim 6, Lewis teaches a system, comprising a component interface (network interface and control 14 on id Fig. 1 and 63-64) configured to connect the fault analyzer object to the one or more component objects (id 7:44-54).

Regarding claim 8, Lewis teaches a system, wherein each fault analyzer object (inference handlers of domains A-C and multi-domain 30 id Fig. 3) is configured to determine the health of the assigned system (id 5:18-50).

Regarding claim 11, 13 and 14, Lewis teaches a system, wherein a fault analyzer object includes an event driven state machine that automatically changes states (virtual network machine 16 on id Fig. 1 and 5:14-33, 5:64-67, 6:1-7).

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Regarding claims 16 and 17, Lewis teaches a system, wherein the nodes are implemented on a single network system (id 1:14-33) or on separate systems of packet switched network (id 2:46-67, 3:1-15, 1:16-19).

Regarding claim 18, Lewis teaches a system, wherein each fault analyzer object is implemented in software (id 5:14-39 and 13:33-45).

Regarding claims 20-22, Lewis teaches a method implemented in a distributed packet switch network (id Fig. 3 and 1:14-24), comprising:

At a lower-level node (network manager 11A on Fig. 3), receiving status information relating to one or more components objects of a node (id 7:43-46) in a hierarchical arrangement of two or more nodes (network management systems 11A-C and 30 on id Fig. 3 and 7:56-67);

At a lower-level node (network manager 11A on Fig. 3), issuing in response to the received status information a component object control instruction (isolating a network fault id 5:52-57) for controlling the operational state of one of the component objects based upon a respective set of policies designed to improve object availability (id 4:60-61); and

From the lower level node, issuing a status report (id 7:43-55) to a higher-level node in the hierarchical arrangement of the nodes, related to the state of health of a lower-level component object and node (id 5:18-53).

***Allowable Subject Matter***

9. Claim 19 is allowed.

10. Claims 3, 7, 9, 10, 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lewis	US005768501	Method and apparatus for inter-domain alarm correlation.
Dev	US005261044A	Network management system using multifunction icons for information display.
Harris	US005946373A	Topology-based fault analysis in telecommunication networks.
Hill	US005293556A	Knowledge based field replaceable unit management.
Trauben	US005594864A	Method and apparatus for monitoring processor states.
Malik	US005832503A	Method and apparatus for configuration management in communication networks.
Grinter	US006606304B1	System for real-time monitor and response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is 703-305-4384. The examiner can normally be reached on 8:30 to 4:30.

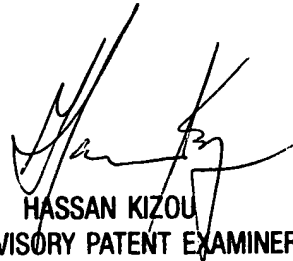
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Dmitry Levitan  
Patent Examiner.  
08/15/03.



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